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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,234	12/16/2003	Nick J. Grivas	IS01164TC	6348
64588 7590 12/11/2008 CONTINENTAL AUTOMOTIVE SYSTEMS TEMIC AUTOMOTIVE OF NORTH AMERICA, INC. 21440 WEST LAKE COOK ROAD PATENTS AND LICENSES, 7TH FLOOR DEER PARK, IL 60010				
EXAMINER PHUONG, DAI				
ART UNIT 2617		PAPER NUMBER		
MAIL DATE 12/11/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/737,234

Applicant(s)

GRIVAS ET AL.

Examiner

DAI A. PHUONG

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 13, 14 and 26-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 13, 14 and 26-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/29/2008 has been entered.
2. Applicant's arguments, filed 09/29/2008, with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Claims 1-9, 13-14 and 26-34 are currently pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9, 13, 26-35 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holmes et al. (U.S. 6751475) in view of Erfinder et al. (WO 98/54845).

Regarding claim 1, Holmes et al. disclose a method, comprising:

providing a docking apparatus 23/52 coupled to interface with a vehicle 20 (fig. 1, col. 3, line 14-18. Holmes et al. disclose the mounting unit 23 provides an interface between the wireless device 22 and the vehicle 20);

communicatively coupling a remote communications device 22 to the docking apparatus 23/52 (fig. 1, col. 3, line 32-35. Holmes et al. disclose the communication between the wireless device 22 and the mounting device 23 may be accomplished over an air interface using radio signals or the like),

wherein the remote communications device does not include a telematics functionality module (fig. 1, col. 23, line 47-65. Holmes et al. disclose the electronic control unit (ECU) 52 transmits a vehicle identification number 24 (a telematics functionality module) to the wireless device 22 via the mounting system 23. It is obvious that the wireless device does not include a vehicle identification number 24 (telematics functionality module) when the wireless device is connected to the mounting system 23. Once, electronic control unit (ECU) 52 detects the wireless device and the electronic control unit (ECU) 52 transmits the vehicle identification number 24 (telematics functionality module) to the wireless device via the mounting device); and

the docking apparatus communicating with the remote communications device to include the telematics functionality module in a memory of the remote communications device (fig. 1, col. 2, line 51 to col. 7, line 12. Holmes et al. disclose the electronic control unit (ECU) 52 transmits a vehicle identification number 24/a telematics functionality module to the wireless device 22 via the mounting system 23. The wireless device 22 transmits the vehicle identification number 24 to the base station 28 and thus to the telecommunications network 30. It is obvious that the wireless device does not include a vehicle identification number 24/ telematics functionality module when the wireless device is connected to the mounting system 23. Once it detects the wireless device, electronic control unit (ECU) 52 transmits the vehicle

identification number 24 (telematics functionality module) to the wireless device via the mounting device. Again, it is obvious that the wireless device includes a buffer/memory for storing the vehicle identification number 24 after receiving from the mounting device 23).

However, Holmes et al. does not specifically disclose the docking apparatus downloading the telematics functionality module into the memory of the remote communications device, or (ii) the docking apparatus supplying the remote communications device with a download location to download the telematics functionality module into the memory from the download location.

In the same field of endeavor, Erfinder et al. disclose the docking apparatus downloading the telematics functionality module into the memory of the remote communications device (abstract, the docking apparatus 6 can be transmitted the identification code to the mobile telephone 2 when the vehicle start. It is obvious that the mobile phone 2 includes a memory for storing the identification code).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the personal mobile phone of Holmes et al. by specifically including the docking apparatus downloading the telematics functionality module into the memory of the remote communications device, as taught by Erfinder et al., the motivation being in order to activate the mobile phone without the driver having to introduce the identification code each time.

Regarding claim 2, the combination of Holmes et al. and Erfinder et al. disclose all the limitation in claim 1. Further, Holmes et al. disclose the method wherein the telematics

functionality module comprises at least one of a vehicle specific application, a personal telematics application, a routing guidance application, a security application, a hands-free application, a noise cancellation application, an air bag system, and an emergency notification application (fig. 1, col. 2, line 51 to col. 7, line 12).

Regarding claim 3, the combination of Holmes et al. and Erfinder et al. disclose all the limitation in claim 1. Further, Holmes et al. disclose the method wherein the docking apparatus is a car kit (fig. 1, col. 2, line 51 to col. 7, line 12).

Regarding claim 4, the combination of Holmes et al. and Erfinder et al. disclose all the limitation in claim 1. Further, Holmes et al. disclose the method wherein communicatively coupling comprises communicatively coupling using at least one of a wireless link and a wireline link (fig. 1, col. 2, line 51 to col. 7, line 12).

Regarding claim 5, the combination of Holmes et al. and Erfinder et al. disclose all the limitation in claim 1. Further, Holmes et al. disclose the method further comprising: the remote communications device detecting the docking apparatus; and the docking apparatus and the remote communications device exchanging capability data (fig. 1, col. 2, line 51 to col. 7, line 12).

Regarding claim 6, the combination of Holmes et al. and Erfinder et al. disclose all the limitation in claim 5. Further, Holmes et al. disclose the method wherein the capability data comprises at least one of a software configuration, a hardware configuration, identification data and security data (fig. 1, col. 2, line 51 to col. 7, line 12).

Regarding claim 7, the combination of Holmes et al. and Erfinder et al. disclose all the limitation in claim 1. Further, Holmes et al. disclose the method further comprising: the docking apparatus detecting the remote communications device; and the docking apparatus and the remote communications device exchanging capability data (fig. 1, col. 2, line 51 to col. 7, line 12).

Regarding claim 8, the combination of Holmes et al. and Erfinder et al. disclose all the limitation in claim 1. Further, Holmes et al. disclose the method wherein the capability data comprises at least one of a software configuration, a hardware configuration, identification data and security data (fig. 1, col. 2, line 51 to col. 7, line 12).

Regarding claim 9, the combination of Holmes et al. and Erfinder et al. disclose all the limitation in claim 1. Further, Erfinder et al. disclose the docking apparatus downloading the telematic functionality module into the memory of the remote communication device comprises rewriting at least a portion of a memory of the remote communications device to include the telematics functionality module (abstract. It is obvious that the docking rewrites the telematics functionality module in at least a portion of a memory of the remote communications device when the vehicle start). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the personal mobile phone of Holmes et al. by specifically including the docking apparatus downloading the telematic functionality module into the memory of the remote communication device comprises rewriting at least a portion of a memory of the remote communications device to include the telematics functionality module, as taught by Erfinder et al., the motivation being in order to activate the mobile phone without the driver having to introduce the identification code each time.

Regarding claim 13, the combination of Holmes et al. and Erfinder et al. disclose all the limitation in claim 1. Further, Holmes et al. disclose the method wherein enabling the remote communications device with the telematics functionality module comprises downloading the telematics functionality module into a memory of the remote communications device while the remote communications device is communicatively coupled to the docking apparatus, and wherein erasing the telematics functionality module from the memory when the remote communications device ceases being communicatively coupled to the docking apparatus (fig. 1, col. 2, line 51 to col. 7, line 12).

Regarding claim 14, the combination of Holmes et al. and Erfinder et al. disclose all the limitation in claim 1. Furthermore, Erfinder et al. disclose the method further comprising: the docking supplying the remote communications device with a download location to download the telematics functionality module into the memory from the download location comprises: the remote communication device downloading the telematics functionality module into the memory from the download location supplied by the docking apparatus (abstract, the mounting device 6 or vehicle supplies/transmits a release signal (download location) to the mobile phone for downloading the identification code (the telematics functionality module). When it is detected and the mobile phone sends a request signal for downloading the identification code (the telematics functionality module) into its memory in accordance with the detected release signal. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the personal mobile phone of Holmes et al. by specifically including the docking supplying the remote communications device with a download location to download the telematics functionality module into the memory from the download location comprises: the

remote communication device downloading the telematics functionality module into the memory from the download location supplied by the docking apparatus, as taught by Erfinder et al., the motivation being in order to establish a connection between the mobile phone and the mounting device 6 by using the identification code.

Regarding claim 26, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 27, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 28, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 29, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 30, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 31, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 32, this claim is rejected for the same reason as set forth in claim 7.

Regarding claim 33, this claim is rejected for the same reason as set forth in claim 8.

Regarding claim 34, this claim is rejected for the same reason as set forth in claim 9.

Response to Argument

Applicant, on page 8 of the remark, argues that Holmes, however, does not disclose or suggest any arrangement that operates according to the claimed invention involving, inter alia, "communicatively coupling a remote communications device to the docking apparatus, wherein the remote communications device does not include a telematics functionality module". However, the Examiner respectfully disagrees with the Applicant.

Holmes et al. disclose, fig. 1, col. 3, line 14-18, the mounting unit 23 provides an interface between the wireless device 22 and the vehicle 20);

Holmes et al. disclose ,fig. 1, col. 3, line 32-35, the wireless device 22 and the mounting device 23 may be accomplished over an air interface using radio signals.

Holmes et al. disclose wherein the remote communications device does not include a telematics functionality module in Fig. 1, col. 3, line 46 to col. 6, line 65. For example, Holmes et al. disclose that the electronic control unit (ECU) 52 transmits a vehicle identification number 24 (a telematics functionality module) to the wireless device 22 via the mounting system 23. It is obvious that the wireless device does not include a vehicle identification number 24 (telematics functionality module) when the wireless device is connected to the mounting system 23. Once electronic control unit (ECU) 52 detects the wireless device and electronic control unit (ECU) 52 transmits the vehicle identification number 24 (telematics functionality module) to the wireless device via the mounting device. It is obvious that the wireless device includes a buffer or memory for storing the vehicle identification number 24 (telematics functionality module) before transmitting the vehicle identification number 24 (telematics functionality module) to the base station.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAI A. PHUONG whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen Duc can be reached on 571-272-7687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Dai A Phuong/

Examiner, Art Unit 2617

Date: 12/04/2008

/Alexander Eisen/

Supervisory Patent Examiner, Art Unit 2617